

**Remarks/Arguments:**

Claims 6-8 are withdrawn from consideration, and claims 14-16 are cancelled. Claims 1-5 and 9-13 are pending.

Claims 13-16 were objected to because the claims could be infringed without infringing upon their respective base claims. With regard to claim 13, the objection is overcome by the amendments to claim 13. No new matter has been added. Claims 14-16 are cancelled.

Claims 1-5 and 9-16 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Kim. This ground for rejection is respectfully traversed with regard to claims 1-5, and 9-12 and overcome by the amendment to claim 13. Claims 14-16 are cancelled.

With regard to claim 1, Kim does not disclose or suggest an optical disk apparatus comprising "detecting means of detecting a disk tilt DT indicating the amount of tilt of said optical head relative to said optical disk" and "calculating means of **calculating a lens shift LS** indicating the amount of shift of said lens means relative to said optical head, according to a predetermined rule **on the basis of said generated tracking error signal and said detected disk tilt DT.**" (Emphasis added). Kim teaches a servo control device of an optical disk recording and reproducing apparatus which is capable of performing tracking control and sled control by detecting radial shift indicative of a degree of deviation from the center of an objective lens in an optical pick-up unit and by detecting a tilt indicative of inclination of an optical disk, thereby achieving a good reproducing signal quality.

In equations (12) and (13), disclosed in Kim at col. 14, lines 56-64, for calculating  $\Delta R$  (radial shift signal) and  $\Delta T$  (detracking signal) respectively, no information about the disk tilt is disclosed. In these equations,  $\Delta R$  and  $\Delta T$  are not affected by the disk tilt. Thus, in Kim, the calculation of the lens shift is not based on generated tracking error signal and said detected disk tilt DT. Further, Kim does not disclose means for detecting or correcting the disk tilt amount. Thus, **detection** or correction is not carried out in the invention to Kim. (Emphasis added).

In Equation (1), at page 5 of the present application, the tracking error signal includes information of the disk tilt amount and the lens shift amount. Thus, the tracking error signal equation of the present invention is different than the equation for calculating the detracking signal of Kim. Further, in the present invention, **calculation** and correction of the lens shift amount is carried out after **detection** and correction of the disk tilt amount. (Emphasis added). This is not disclosed or suggested in Kim. Thus, in the present invention, the lens shift is calculated with greater accuracy.

Because Kim does not disclose or suggest the limitations of claim 1, claim 1 is not subject to rejection under 35 U.S.C. § 102(b) in view of Kim. Claims 2-5 and 9-11 depend from claim 1. Accordingly, claims 2-5 and 9-11 are also not subject to rejection under 35 U.S.C. § 102(b) in view of Kim for at least the same reasons as claim 1.

With regard to claim 12, claim 12, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claim 12 is also not subject to rejection for the same reasons as those set forth above with regard to claim 1.

With regard to amended claim 13, claim 13 while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claim 13 is also not subject to rejection for the same reasons as those set forth above with regard to claim 1.

In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the objection to claim 13 and the rejections of

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claims 1-5 and 9-13.

Respectfully submitted,



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